THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION Nos.20806, 20849, 20850, 20862, 20951, 20968, 20972, 20974, 20994, 20999, 21041, 21062, 21063, 20629 and 20405 of 2007

Between:

Jangam Kanakaiah and others.

.. PETITIONERS

and

The Joint Collector, Karimnagar District
and others.

.. RESPONDENTS

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COMMON ORDER:

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

It is the case of the petitioners that they purchased small extents of lands either for agricultural purpose or for house sites in Sy.Nos.126, 128, 132, 132/A, 132/AA, 133, 135, 172, 175, respectively situated at Rekurthi village, Karimnagar Mandal and District, from their vendors, after verifying the revenue records that they are not assigned lands and the said lands are patta lands. Thereafter, several transactions have been taken place and in respect of some of the petitioners, pattadar passbooks and record of rights have also been granted. While so, the Tahsildhar, Karimnagar, issued various notices to the so-called assignees and some others, but not to the petitioners, even though they purchased lands and in possession of the same. As no explanations were received pursuant to the said cause notices, the Tahsildar, Karimnagar, passed impugned orders in File Nos.B/400/2007 and B/401/2007, in exercise of powers conferred under Section 4(1) (a) and (b) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, (for short "the Act") on the ground that the said lands are assigned lands and some of the assignees made the agricultural lands into plots in violation of Section 3(1) of the Act and some of the assignees transferred the lands in favour of some of the petitioners in violation of Section 3(2) of the Act and accordingly, while cancelling the assignment orders, resumed the lands in question into the Government custody.

Learned counsel appearing for some of the petitioners submits that the lands in question are assigned prior to the Act came into force and most of

the petitioners are landless poor persons and as per Section 3(5) of the Act, the provisions of the said Act will not apply in respect of the lands purchased by the landless poor for a valuable consideration from the assignees. It is further stated that as per Rule 3 of A.P.Assigned Lands (Prohibition of Transfer) Rules, 2007, the Authorised Officer before passing orders under Section 4(1) (a) and (b) of the Act, shall issue notices in Form-I to the assignees and Form-II to the transferees of the said assigned lands. But, in the instant case, no notice in Form-II has been served on any of the transferees and, therefore, the impugned orders passed by the Tahsildhar, Karimnagar, are illegal and contrary to the provisions of the Act.

I am not inclined to express any opinion on the merits of the case, as, admittedly, the impugned orders are appealable orders and the material available on record goes to show that notices have not been served on the petitioners and final orders have not been furnished to the petitioners. But, however, on instructions, the learned Government Pleader for Revenue appearing for the respondents, produced copies of the final orders before this Court. As the copies of the final orders are made available, I am of the opinion that it is just and proper to permit the petitioners to file appeals under Section 4-A (1) of the Act before the Revenue Divisional Officer of Karimnagar District.

Accordingly, the writ petitions are disposed of permitting the petitioners to file appeals against various orders passed by the Tahsildar, Karimnagar, in proceedings Nos.B/400/2007 and B/401/2007, within two weeks from the date of receipt of a copy of this order. Pending disposal of the appeals, the respondents are directed not to dispossess the petitioners from the lands in question. If no such appeals are filed within two weeks from the date of

receipt of a copy of this order, the order passed by this Court shall stand vacated and it is open for the respondents to take appropriate action, pursuant to the impugned orders. There shall be no order as to costs.

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06-10-2007

Prv